UNITED STATES DISTRICT COURT

for the

Southern District of Texas , the defendant(s) violated: **Code Section** **Code Section** **Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit; 50 rounds Flocchi. 223 ammo, a drum magazine with 28 rounds, and a Smith&Wesson M&P15 rifle as defined by the Commerce Control List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 50, United States Code, Section 4819(2), and Title 15, Code of Federal Regulations, Section 730 et seq., all in violation of Title 18, United States Code, Section 554 This criminal complaint is based on these facts: **Continued on the attached sheet and made part of this complaint:** **Did Continued on the attached sheet and made part of this complaint:** **Did Continued on the attached sheet.** **Is/ Karl de la Fuente** **Complainant's signature** **Karl de la Fuente / HSI Special Agent** **Printed name and title** **Printed name and title** **Date:** **Judge's signature** **Judge's			for the			
David ESCALANTE JR D.O.B: David ESCALANTE JR D.O.B: 2001 Case No. 7:21-mj-2635 David ESCALANTE JR D.O.B: 2001 Southern District of Texas FILED December 20, 2021 December 20, 2021 Nathan Ochsner, Clerk of Court I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 19, 2021 in the county of Hidalgo in the Southern District of Texas , the defendant(s) violated: Code Section Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit; 50 rounds Flocchi 223 ammo, a drum magazine with 28 rounds, and a Smith&Wesson M&P15 rifle as defined by the Commerce Contral Ust, contrary to any leave regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 50, United States Code, Section 4819(2), and Title 18, United States Code, Section 730 et seq., all in violation of Title 18, United States Code, Section 554 This criminal complaint is based on these facts: Continued on the attached sheet and made part of this complaint: Solution So		Southern	n District of Texas			
David ESCALANTE JR D.O.B: David ESCALANTE JR D.O.B: December 20, 2021 CRIMINAL COMPLAINT I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 19, 2021 in the county of Hidalgo in the Southern District of Texas , the defendant(s) violated: Code Section District of Texas , the defendant(s) violated: Code Section Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit; 50 rounds Fiocchi 223 armo, a drum magazine with 28 rounds, and a Smith&Wesson M&P15 rifle as defined by the Commerce Control List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 50, United States Code, Section 4819(2), and Title 15, Code of Federal Regulations, Section 730 et seq., all in violation of Title 50, United States Code, Section 554 This criminal complaint is based on these facts: Continued on the attached sheet and made part of this complaint: Date: 12/20/37—8:17a.a. McAllen, Texas Juan F. Alanis, U.S. Magistrate Judge	United)			
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CRIMINAL COMPLAINT I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 19, 2021 in the county of Hidalgo in the Southern District of Texas , the defendant(s) violated: Code Section 18 USC § 554 Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit; 50 rounds Fiocchi .223 ammo, a drum magazine with 28 rounds, and a Smith&Wesson M&P15 rifle as defined by the Commerce Control List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 50, United States Code, Section 4819(2), and Title 15, Code of Federal Regulations, Section 730 et seq., all in violation of Title 18, United States Code, Section 554 This criminal complaint is based on these facts: Continued on the attached sheet and made part of this complaint: **Of** Continued on the attached sheet and made part of this complaint: **Of** Continued on the attached sheet.** **Ist Karl de la Fuente** **Complainant's signature** Karl de la Fuente / HSI Special Agent **Printed name and title** **Date: **Ist Alanis** **Date: **Ist Alanis** **Use Alanis** **Use Alanis** **Outer Alanis** **Outer Alanis** **Ist Warl de la Fuente** **Complainant's signature** **Language's signature** **Language's signature** **Judge's signature** **Date: **Ist Alanis** **Judge's signature** **Judg		Defendant(s)	_ /		021	
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by AUSA Alexis Garcia S Karl de la Fuente	Continued on t	he attached sheet and made pa	rt of this complaint:			
pproved by AUSA Alexis Garcia Complainant's signature Karl de la Fuente / HSI Special Agent Printed name and title Date: 12/25/21-8:17a.a. Date: McAllen, Texas Complainant's signature Karl de la Fuente / HSI Special Agent Printed name and title Judge's signature Judge's signature Juan F. Alanis, U.S. Magistrate Judge	₫ Continued	on the attached sheet.				
Worn to and executed by reliable electronic means, and ested telephonically per Fed. R. Cr. 4.1, and probable use found on: Date: 12/26/21-8:17a.a. City and state: McAllen, Texas Karl de la Fuente / HSI Special Agent Printed name and title Judge's signature Judge's signature Juan F. Alanis, U.S. Magistrate Judge				/s/ Karl de la Fuente		
Printed name and title Date: 12/26/21-8'17a Date: McAllen, Texas Juan F. Alanis, U.S. Magistrate Judge	pproved by AUSA Alexis Garcia			Complainant's signature		
Date: 12/26/21—8:17a.h. City and state: McAllen, Texas Judge's signature Juan F. Alanis, U.S. Magistrate Judge		•				
City and state: McAllen, Texas Juan F. Alanis, U.S. Magistrate Judge	use found on:			Today's size of the		
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Attachment "A" Re: David ESCALANTE JR CONTINUATION

On or about December 19, 2021, David ESCALANTE JR crossed from the United States to Mexico via the Donna Port of Entry (POE). ESCALANTE JR was the driver of a red in color Dodge Challenger. ESCALANTE JR eventually came back to the United States from Mexico and attempted to make entry also at the Donna POE.

During Customs and Border Protection (CBP) inspection, a CBP Officer found 50 rounds of Fiocchi .223 ammunition, a drum magazine with 28 rounds, and a Smith&Wesson M&P15 rifle in the trunk of the vehicle. The magazine was with the rifle along with the box of ammunition. ESCALANTE JR did not voluntarily declare that he had those items with him.

A Homeland Security Investigations (HSI) Special Agent (SA) as well as an HSI Task Force Officer (TFO) responded to the Donna Port of Entry and conducted an interview of ESCALANTE JR. During a post-Miranda interview, ESCALANTE JR admitted to knowing he was in possession of the firearm, magazine, and ammunition, to which he transported from the United States to Mexico and again from Mexico back to the United States. ESCALANTE JR also stated he did not have a license to transport the firearm between the United States and Mexico.